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April 1, 2021

**BY ECF**

The Honorable John G. Koeltl  
U.S. Courthouse  
Southern District of New York  
500 Pearl Street  
New York, New York

**Re: Edmond Grant p/k/a “Eddy Grant” et al. v. Donald j. Trump et al.,  
1:20-cv-07103-JGK**

Dear Judge Koeltl:

We represent Plaintiffs in the above referenced action. We write in response to the letter motion for leave to file supplemental briefing (ECF 29), which counsel for Defendants filed on March 31, 2021.

Plaintiffs’ counsel recognizes that the Second Circuit’s March 26, 2021 reversal in *The Andy Warhol Foundation for the Visual Arts, Inc. v. Goldsmith*, No. 19-2420, 2021 WL 1148826 (2d Cir. Mar. 26, 2021) (“*Andy Warhol*”) deals a devastating and likely fatal blow to the Defendants’ pending motion to dismiss on grounds of fair use, because that motion relies very heavily on the now-reversed decision in *Andy Warhol*. Rather than re-briefing the entire motion, however, Plaintiffs’ counsel respectfully requests, for the sake of efficiency under Rule 1 of Fed. R. Civ. Pro. (“to secure the just, speedy, and inexpensive determination of every action and proceeding”), that any supplemental briefing be strictly limited to the effect of the *Andy Warhol* reversal on the briefs already submitted, and that each party be limited to one such supplemental brief, of not more than ten (10) pages. We respectfully submit that Defendants, as the moving parties, should file their supplemental brief within thirty (30) days and Plaintiffs should be given thirty (30) days to respond.

We thank the Court for its consideration.

Respectfully submitted,  
/Robert W. Clarida/  
Robert W. Clarida

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